

REMARKS

Claims 1-25 are pending in the present application. Claims 1, 9, 17, and 25 have been amended. Reconsideration is respectfully requested in view of the following remarks.

Claim 1 has been amended to recite, in pertinent part, “wherein the performance data comprises a plurality of access times.” Support for the amendment to claim 1 and for similar amendments to claims 9, 17, and 25 may be found in Applicant’s specification at least in paragraphs [0027] through [0029].

Claims 1, 3, 6-9, 11, 14-17, 19, and 22-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by Bossman (U.S. Patent Application Publication No. 2003/0182276). Claims 2, 10, and 18 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bossman in view of Ganesh (U.S. Patent No. 6,192,377). Claims 4-6, 12-14, and 20-22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bossman in view of Do (U.S. Patent Application Publication No. 2004/0172636). Applicant respectfully traverses this rejection for at least the following reasons.

Anticipation requires the presence of each and every limitation of the claimed invention, arranged as in the claim, in a single prior art reference. M.P.E.P 2131; *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). As shown below, Bossman fails to teach or suggest each and every limitation of claim 1.

In particular, Applicant respectfully submits that Bossman does not teach or suggest a method comprising “collecting and storing performance data for a plurality of database objects in a database server computer system, wherein the performance data comprises a plurality of access times, wherein each of the plurality of database objects

comprises an aggregation of stored data,” in combination with the remaining features of claim 1. In Bossman, statistics are processed to determine performance problems with a database query or access plan (see, e.g., Abstract). However, Applicant can find no teaching or suggestion in Bossman that the statistics are performance data comprising a plurality of access times. Instead, Bossman discloses that the statistics relate to the physical layout of the database (see, e.g., paragraphs [0027] and [0044]).

Furthermore, Applicant respectfully submits that Bossman does not teach or suggest a method comprising “identifying a problematic database object of the plurality of database objects using the performance data for the plurality of database objects,” in combination with the remaining features of claim 1. In paragraph [0028], Bossman states that the statistics and the access plan are provided to an SQL tuning tool for determination of SQL performance problems. The performance problems are associated with the access plan (see, e.g., paragraphs [0029], [0030], and [0044]), not with a database object comprising an aggregation of stored data. Additionally, for at least the reasons discussed above, performance data comprising a plurality of access times are not used to identify a problematic database object.

The additional cited references, taken individually or in combination with Bossman, also fail to teach these limitations. For example, as cited by the Examiner in the rejection of claims 5 and 6, Do discloses that a system determines whether a bus driver receives an I/O request; if the bus driver does not receive the I/O request, the system waits (see, e.g., paragraph [0065]). However, Do does not teach or suggest collecting and storing performance data, wherein the performance data comprises a plurality of access times.

Thus, for at least the reasons above, the rejection of claim 1 is not supported by the cited references, and removal thereof is respectfully requested. Because independent claims 9, 17, and 25 recite limitations similar to those of claim 1, these claims are also believed to patentably distinguish over the cited references for at least the same reasons. The dependent claims are believed to patentably distinguish over the cited references for

at least the same reasons as their respective base claims. Because the rejection has been shown to be unsupported for the independent claims, a further discussion of the dependent claims is not necessary at this time. Therefore, for at least the reasons discussed above, Applicant respectfully requests withdrawal of the § 102(e) and § 103(a) rejections.

CONCLUSION

In light of the foregoing amendments and remarks, Applicant submits that all pending claims are now in condition for allowance, and an early notice to that effect is earnestly solicited. If a phone interview would speed allowance of any pending claims, such is requested at the Examiner's convenience.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant hereby petitions for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5760-14700.

Respectfully submitted,



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